

# HOUSE BILL REPORT

## HB 1507

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**As Reported by House Committee On:**  
Public Safety & Emergency Preparedness  
General Government Appropriations & Oversight

**Title:** An act relating to crimes against pharmacies.

**Brief Description:** Concerning crimes against pharmacies.

**Sponsors:** Representatives Ladenburg, Klippert, Hurst, Ross, Hope, Armstrong, Kirby, Warnick, Johnson and Kelley.

**Brief History:**

**Committee Activity:**

Public Safety & Emergency Preparedness: 2/2/11, 2/11/11 [DPS];  
General Government Appropriations & Oversight: 2/16/11, 2/18/11 [DP2S(w/o sub PSEP)].

**Brief Summary of Second Substitute Bill**

- Modifies Robbery in the first degree to include when a person commits robbery of a pharmacy.

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### HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Hurst, Chair; Ladenburg, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Armstrong, Goodman, Hope, Kirby, Moscoso and Ross.

**Staff:** Alexa Silver (786-7190).

**Background:**

Robbery is unlawfully taking personal property from or in the presence of another person against his or her will by use or threatened use of immediate force, violence, or fear of injury to a person or property. A person is guilty of Robbery in the first degree if:

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- the person is armed with a deadly weapon, displays an apparent firearm or deadly weapon, or inflicts bodily injury during the robbery or immediate flight from the robbery; or
- the person commits robbery within and against a financial institution.

Robbery in the first degree is a class A felony with a seriousness level of IX. The definition of "most serious offense" includes Robbery in the first and second degree. A person who has been convicted of three most serious offenses is a persistent offender and may be sentenced to life in prison without the possibility of release.

A "pharmacy" is defined as every place licensed by the Board of Pharmacy where the practice of pharmacy is conducted, including dispensing drugs, monitoring drug therapy and use, and providing information on legend drugs.

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**Summary of Substitute Bill:**

A person is guilty of Robbery in the first degree if he or she commits robbery of a pharmacy.

**Substitute Bill Compared to Original Bill:**

The substitute bill deletes the provisions in the original bill that modified the offenses of Burglary in the first degree and Theft in the first degree to include when the offenses are committed against a pharmacy.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Pharmacy robberies in Washington are increasing and becoming more violent. Prescription drugs have a high street value. People who rob pharmacies are motivated by either drug addiction or money. Pharmacists, technicians, and patients should not have to be in fear for their safety. Pharmacies have sustained high losses due to these robberies. Since bank robbery note jobs were made a first degree offense, the number of bank robberies has decreased.

(Opposed) This would give prosecutors discretion in charging; where the defendant has a drug problem, some prosecutors would charge less than a strike offense, while others would charge the strongest offense possible. There are treatment options for drug-addicted

offenders. This bill could lead to people more often using guns to rob a pharmacy, because elevating the offense to a strike removes the deterrent effect.

**Persons Testifying:** (In support) Representative Ladenburg, prime sponsor; Jeff Rochon, Washington State Pharmacy Association; Julie Akers, The Everett Clinic; Jason Moulton, Safeway Food Stores; Warren Hall, Hall's Drug Center; Gary Harris, Board of Pharmacy; Stu Halsan, Rite Aid Corporation; and Tom McBride, King County Prosecuting Attorney's Office and Washington Association of Prosecuting Attorneys.

(Opposed) Ted DeBray, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS & OVERSIGHT

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety & Emergency Preparedness. Signed by 11 members: Representatives Hudgins, Chair; Miloscia, Vice Chair; McCune, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Blake, Fitzgibbon, Ladenburg, Moscoso, Pedersen, Van De Wege and Wilcox.

**Staff:** Alex MacBain (786-7288).

### **Summary of Recommendation of Committee On General Government Appropriations & Oversight Compared to Recommendation of Committee On Public Safety & Emergency Preparedness:**

The General Government Appropriations and Oversight Committee recommended clarification that only the portion of a building or store that is licensed by the Board of Pharmacy constitutes a pharmacy for purposes of Robbery in the first degree.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Second Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) Pharmacy robberies are increasing in Washington and occur more proportionally in this state than in other parts of the country. Pharmacies have sustained high losses due to these robberies. The escalation of violence in pharmacies affects pharmacists, technicians, and patients. People who rob pharmacies are motivated by money or drug addiction. Many

of these robberies are committed by serial robbers. Since bank robbery note jobs were made a first degree offense, the number of bank robberies has decreased.

(Opposed) None.

**Persons Testifying:** Representative Ladenburg, prime sponsor; Stu Halsan, Rite Aid Corporation; Jeff Rochon, Washington State Pharmacy Association; and Jason Moulton, Safeway.

**Persons Signed In To Testify But Not Testifying:** None.